

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-20 are currently pending. Claims 1, 2, 4, 5, 9, 10, 12, 13, and 17-20 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 19 and 20 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; Claims 1, 2, 9, 10, and 17-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,790,785 to Klug et al. (hereinafter “the ‘785 patent”); and Claims 3-8 and 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘785 patent in view of U.S. Patent No. 6,487,583 to Harvey et al. (hereinafter “the ‘583 patent”).

Applicants respectfully traverse the rejection of Claims 19 and 20 as being directed to non-statutory subject matter. As stated in two previous responses, Applicants note that M.P.E.P. § 2106 states that “a signal claim directed to a practical application of electromagnetic energy is statutory regardless of its transitory nature.” See also *Ex Parte Rice*,¹ in which the Board stated: “... we agree that signals do not become unpatentable subject matter just because of their transitory and informal nature.” Further, Applicants note that numerous patents have issued containing “signal” claims. In this regard, Applicants note that the Examiner has repeatedly cited M.P.E.P. § 2106 as justification for his assertion that signal claims are non-statutory. However, Applicants respectfully submit that Section 2106 does not support this assertion and that if the Examiner persists in citing Section 2106 that the Examiner refer Applicant to a specific passage in that section that says that signal claims are non-statutory. Accordingly, Applicants respectfully submit that this rejection should be

¹ BPAI, February, 2003.

withdrawn and that Claims 19 and 20 are directed to statutory subject matter under 35 U.S.C. § 101.

Amended Claim 1 is directed to a server device, comprising, *inter alia*: (1) a user information storage section which stores in advance user information regarding at least one user to be a new member of a system; (2) a staff information storage section which stores staff information regarding at least one sales staff in association with the user information stored in the user information storage section; (3) a communications section which sends and receives predetermined information to and from at least one user terminal through a communication network; (4) an information acquirer which acquires the user information corresponding to at least one user from the user information storage section, in association with the ID information received by an ID information receiver; (5) a member-form sender which sets the user information acquired by the information acquirer in member-form information used for inputting member information to generate thereby member-form information having at least part of the member information set therein, and sends the generated member-form information to the at least one user terminal through the communications section; and (6) a member information receiver which receives the member information, sent from the at least one user terminal in association with the user terminal information and member-form information sent by the member-form sender, through the communication section. Claim 1 has been amended to include the staff information storage section, which was previously recited in amended Claim 4. Accordingly, no new matter has been added.

Applicants respectfully submit that the rejection of Claim 1 is rendered moot by the present amendment to that claim. However, since Claim 1 has been amended to incorporate limitations recited in Claim 4, Applicants will address the references cited in the rejection of

Claim 4. In the rejection of Claim 4, Applicants note that the Office Action relies on the ‘785 patent as disclosing the limitation added to amended Claim 1.

The ‘785 patent is directed to a World Wide Web registration processing system for assisting World Wide Web users in registering at websites. In particular, the ‘785 patent discloses a system in which the user is able to have a common user identification that may be used for accessing services at a plurality of websites. See e.g., Figures 1 and 5 in the ‘785 patent. However, Applicants respectfully submit that the ‘785 patent fails to disclose a staff information storage section which stores staff information regarding at least one sales staff in association with the user information stored in the user information storage section, as recited in amended Claim 1. In this regard, Applicants note that the Office Action cites column 9, line 29 to column 10, line 30 as disclosing a staff information storage section. However, examination of that passage in the ‘785 patent reveals that it is directed to the steps shown in Figures 5, 6A, and 6B, which are related to the system for providing registration information to a third party website. Thus, Applicants respectfully submit that the cited passage in the ‘785 patent fails to disclose a staff information storage section which stores staff information regarding at least one sales staff, as recited in amended Claim 1. In this regard, Applicants note that a text search of the ‘785 patent reveals that the ‘785 patent does not even include the word “sales” or the word “staff”. Accordingly, for the reasons stated above, Applicants respectfully submit that amended Claim 1 patentably defines over the ‘785 patent.

Independent Claims 2, 9, 10, and 17-20 recite limitations analogous to the limitations recited in amended Claim 1. Moreover, Claims 2, 9, 10, and 17-20 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of Claims 2, 9, 10, and 17-20 (and all similarly rejected dependent claims) are rendered moot by the present amendment to the independent claims.

Regarding the rejection of dependent Claims 3-8 and 11-16 under 35 U.S.C. § 103, Applicants respectfully submit that the '583 patent fails to remedy the deficiencies of the '785 patent, as discussed above. Accordingly, Applicants respectfully submit that the rejections of dependent Claims 3-8 and 11-16 are rendered moot by the present amendment to Claims 2 and 10.

Thus, it is respectfully submitted that independent Claims 1, 2, 9, 10, and 17-20 (and all associated dependent claims) patentably define over any proper combination of the '785 and '583 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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